

ESTTA Tracking number: **ESTTA644218**

Filing date: **12/12/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217630
Party	Plaintiff Sturgis Motorcycle Rally, Inc.
Correspondence Address	GINA R IACONA SNEED PLLC 610 JETTON STREET, STE 120-107 DAVIDSON, NC 28036 UNITED STATES JSneed@SneedLegal.com, Glacona@SneedLegal.com, litigation@SneedLegal.com
Submission	Opposition/Response to Motion
Filer's Name	Gina R. Iacona
Filer's e-mail	Glacona@sneedlegal.com, JSneed@sneedlegal.com, litigation@sneedlegal.com
Signature	/Gina R. Iacona/
Date	12/12/2014
Attachments	SMRI's Partial Opposition to Hansen's Revised Motion to Amend Goods and Services.pdf(385873 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Sturgis Motorcycle Rally, Inc.,

Opposer,

v.

Gary St. Martin Hansen,

Applicant.

Opposition No. 91217630

**OPPOSER'S PARTIAL OPPOSITION TO APPLICANT'S REVISED MOTION TO
AMEND GOODS AND SERVICES**

On November 21, 2014, Applicant, Gary St. Martin Hansen ("Mr. Hansen" or "Applicant"), filed a Revised Motion to Amend Goods and Services ("Motion"). Opposer, Sturgis Motorcycle Rally, Inc. ("SMRI" or "Opposer"), hereby files this partial opposition in response to Applicant's Motion and states the following:

1. Counsel for Opposer, Jason Sneed and Gina Iacona, conferred by telephone with Mr. Hansen on September 26, 2014, to conduct the mandatory discovery conference as required by TBMP § 401.01 and Trademark Rule 2.120(a)(2).
2. During the conference, Counsel for Opposer stated that SMRI would consider any proposed amendment Mr. Hansen wished to present. Counsel did not, however, consent to the particular proposed amendments as suggested in Mr. Hansen's Motion.
3. Counsel for Opposer specifically did not consent to Mr. Hansen's proposal to add Class 001 goods nor could Counsel give such consent as the proposed amendment is beyond the scope of the present identification and thus fails to comply with Trademark Rules 2.71-2.75. *See* TBMP §§ 514.01 and 605.03(b).

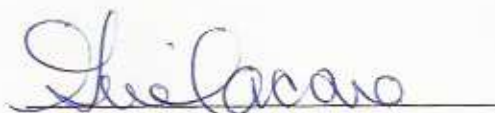
4. Despite Mr. Hansen's failure to obtain consent prior to filing his Motion, Counsel for Opposer does not oppose Mr. Hansen's proposal to delete all the goods and services in Class 040—the only class subject to this opposition. This proposed amendment is, in effect, an abandonment of the application as no other class of goods and services remain, and thus is governed by 37 CFR § 2.135. *See e.g.*, TBMP §§ 602.01 and 605.03(b).

5. As such, judgment shall be entered against Mr. Hansen as he filed a written abandonment of the application without the written consent of SMRI. 37 CFR § 2.135; *see also Grinnell Corp. v. Grinnell Concrete Pavingstones Inc.*, 14 USPQ2d 2065, 2067 (TTAB 1990) (consent required for abandonment without prejudice regardless of motivation for abandonment).

Opposer hereby requests that the Board enter an order denying Applicant's Motion in part as to the addition of Class 001 goods. Further, Opposer requests that the Board enter an order granting Applicant's Motion in part to delete the goods and services in Class 040 and dismissing the case with prejudice.

Dated: December 12, 2014

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "J. Sneed", is written over a horizontal line.

Jason M. Sneed, Esq.
Gina R. Iacona, Esq.
SNEED PLLC
610 Jetton St., Suite 120-107
Davidson, North Carolina 28036
Tel: 704-779-3611
JSneed@SneedLegal.com
*Attorney for Opposer, Sturgis
Motorcycle Rally, Inc.*

Certificate of Service

The undersigned counsel of record hereby certifies that a copy of the foregoing *Opposer's Partial Opposition to Applicant's Revised Motion to Amend Goods and Services* was served by placing a copy in U.S. Mail, postage prepaid, this 12th day of December, 2014, and addressed to the following:

Gary St. Martin Hansen
399 Lower Main West
Johnson, Vermont 98110


An Attorney for Opposer

4821-8948-4303, v. 1